

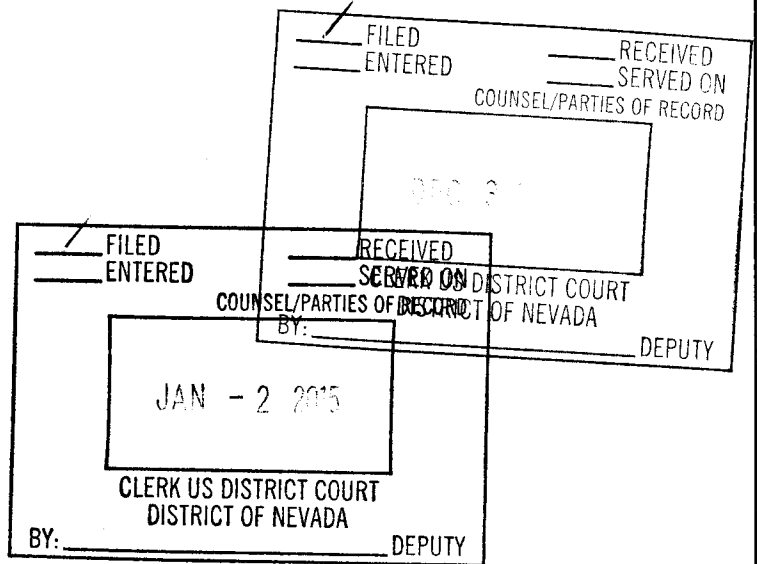
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# SEALED

Office of the United States Attorney  
District of Nevada  
Lloyd D. George Federal Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, NV 89101  
(702) 388-6336

1 DANIEL G. BOGDEN  
 United States Attorney  
 2 District of Nevada  
 DANIEL D. HOLLINGSWORTH  
 3 Assistant United States Attorney  
 Nevada Bar No. 1925  
 4 U.S. Attorney's Office  
 333 Las Vegas Boulevard South, Suite 5000  
 5 Las Vegas, Nevada 89101  
 Telephone: 702-388-6336  
 6 Facsimile: 702-388-6787  
 Email: *daniel.hollingsworth@usdoj.gov*  
 7 Attorneys for the United States



10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 \$41,828.53 IN UNITED STATES ) 2:14-CV-947-GMN-(CWH)  
 13 CURRENCY )

14 **THE UNITED STATES OF AMERICA'S UNOPPOSED SEALED EX PARTE APPLICATION**  
 15 **TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM OF**  
 16 **THE \$41,828.53 IN UNITED STATES CURRENCY AND ORDER**  
 17 **(Second Request)**

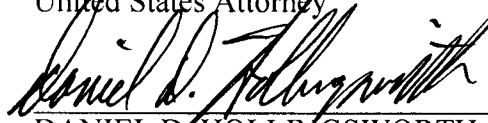
18 The United States of America, by and through Daniel G. Bogden, United States Attorney for the  
 19 District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully applies  
 20 for an extension of time to and including July 8, 2015, for the United States to file a Civil Complaint For  
 21 Forfeiture In Rem of the \$41,828.53 in United States Currency pursuant to 18 U.S.C. § 983(a)(3)(A) and  
 22 LR 6. The Civil Complaint For Forfeiture In Rem of the \$41,828.53 in United States Currency is due  
 23 January 8, 2014.

24 The grounds for this application are (1) the government is pursuing criminal prosecution against  
 25 James Jariv with a trial date of February 9, 2015, and (2) counsel for James Jariv agreed to the extension  
 26 of time. The government and James Jariv are engaged in plea negotiations, and he will plead guilty  
 within the next few months.

1 This Sealed Ex Parte Application is made and is based on this Application and the attached  
2 Memorandum of Points and Authorities.

3 DATED this 31<sup>st</sup> day of December, 2014.

4 DANIEL G. BOGDEN  
5 United States Attorney

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7 DANIEL D. HOLLINGSWORTH  
8 Assistant United States Attorney  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 On or about January 14, 2014, \$41,828.53 in United States Currency was seized from Mountain  
4 America Credit Union, account number 8172703, in the name of James Jariv and Jiwon Jariv, located at  
5 7820 West Lake Mead Boulevard, Las Vegas, Nevada 89128 with a judicially approved and issued civil  
6 seizure warrant.

7 The \$41,828.53 in United States Currency was subject to administrative summary forfeiture  
8 proceedings; however, James Jariv ("Jariv") filed an administrative claim on or about April 9, 2014.

9 Nathan Stoliar pled guilty to the Indictment. Jariv will plead guilty to the Indictment within the  
10 next few months.

11 **II. ARGUMENT**

12 This Court should grant this application for an extension of time to file a Civil Complaint For  
13 Forfeiture In Rem of the \$41,828.53 in United States Currency because counsel for Jariv has agreed. LR  
14 6-1; 18 U.S.C. § 983(a)(3)(A).

15 [T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental  
16 Rules for Certain Admiralty and Maritime Claims ... , a court in the district in which a complaint  
17 will be filed may extend the period for filing a complaint for good cause shown or upon  
18 agreement of the parties."

18 18 U.S.C. § 983(a)(3)(A).

19 The filing of a Civil Complaint For Forfeiture In Rem, pursuant to 18 U.S.C. § 983, starts a civil  
20 forfeiture in rem action that is new and is separate from the criminal prosecution. A district court has the  
21 authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a Civil Complaint For  
22 Forfeiture In Rem based on the agreement of the parties. Doing otherwise could cause interference with  
23 the criminal prosecution.

24 On December 22, 2014, Jariv's counsel, Tim Johnson, agreed to the extension of time and  
25 authorized counsel for the United States to file this unopposed motion with this Court. Because the  
26 parties have agreed that the United States should be allowed an extension of time to file its In Rem

1 Complaint, the government respectfully asks this Court to grant its motion pursuant to 18 U.S.C. §  
2 983(a)(3)(A).

3 This Application is not submitted solely for the purpose of delay or for any other improper  
4 purpose.

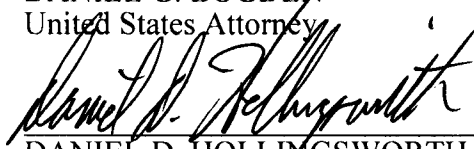
5 **II. CONCLUSION**

6 This Court should grant an extension of time to July 8, 2015, for the United States to file a Civil  
7 Complaint For Forfeiture In Rem of the \$41,828.53 in United States Currency under 18 U.S.C. §  
8 983(a)(3)(A) because both parties agreed to the extension.

9 DATED this 31<sup>st</sup> day of December, 2014.

10 Respectfully submitted,

11 DANIEL G. BOGDEN  
12 United States Attorney

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14 DANIEL D. HOLLINGSWORTH  
15 Assistant United States Attorney

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18 IT IS SO ORDERED:

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21 UNITED STATES DISTRICT JUDGE

22 DATED: 1-2-15

23 GLORIA M. NAVARRO, Chief Judge  
24 United States District Court  
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